

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

ABIGAIL SLATER, a minor child,)	
by and through her father,)	
next friend and natural)	
guardian, BRIAN SLATER; and)	
BRIAN SLATER and LAYLA)	
SLATER, in their individual)	
capacities,)	
)	
Plaintiffs,)	8:06CV638
)	
v.)	
)	
THOMAS L. JELINEK and FRONTIER))	ORDER
COOPERATIVE COMPANY, a)	
Nebraska corporation,)	
)	
Defendants.)	
)	

This matter is before the Court on defendants' motion in limine to exclude expert witness testimony concerning plaintiffs' new life care plan as an expert witness disclosure served out of time (Filing No. 97). The Court has reviewed the motion, defendants' brief (Filing No. 98), the defendants' index of evidence (Filing No. 99), plaintiffs' brief in opposition (Filing No. 101), and plaintiffs' index of evidence (Filing No. 102), and finds that defendants' motion should be denied.

The Court has carefully compared the modified life care plan served on the defendants on October 30, 2008. The new plan removes any cost estimates for family counseling and for architectural innovations. The Court notes no new items of costs are included in the updated life care plan, but does note that in

a few instances the prices have increased some, but in more instances, the prices have decreased. The Court does not perceive this to be a disclosure that conflicts in any way with the Federal Rules of Evidence as it relates to expert witnesses, and it appears to the Court, it reduces the anticipated expenses for the life care plan. The Court believes that simply taking time to compare the two life care plans would have obviated the need for filing this motion. Accordingly,

IT IS ORDERED that defendants' motion in limine (Filing No. 97) is denied.

DATED this 18th day of November, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court